IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 8746 of 2004

Between:

1 M. Bixapathi S/o. Late Narsimha
H.No.2-61 Uppal Kalan Village, Uppal Mandal
Ranga Reddy District.
2 M.Muthaiah S/o. Late Narsimha
H.No.2-61
Uppal Kalan Village, Uppal Mandal, Ranga Reddy District.
3 Alla Rajamma W/o. Rajaiah
H.No.2-61
Uppal Kalan Village, Uppal Mandal, Ranga Reddy District.

..... PETITIONER(S)

AND

1 Salla Veera Reddy' S/o. Ramreddy
Uppal Kalan Village, Uppal Mandal, R.R.District.
2 Salla Amba Reddy, S/o. Ramreddy
Uppal Kalan Village, Uppal Mandal, R.R.District.
3 Sall Rami Reddy Ramreddy
Uppal Kalan Village, Uppal Mandal, R.R.District.
4 Sall Sripal Reddy Raghuramreddy
Uppal Kalan Village, Uppal Mandal, R.R.District.
5 Mandal Revenue Officer, Uppal Mandal, R.R. District.
6 The Commissioner, Uppal Kalan Municipality, Uppal Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of mandamus, or any other apropriate writ, order or direction, declaring the action of the 5th respondent is not passing any order in proceeding NO.B/20324/03 inspite of the construction being carried out by respondents No.1 to 4 as illegal, arbitrary and in violation of principle of natural justice and consequently direct the 5th respondent to pass appropriate order in proceedings No.B/20324/203 expedittiously in the interest of justice and proper in the circumstances of the case.

For the Petitioner:MR.POTTIGARI SRIDHAR REDDY

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 8746 OF 2004

Date: 15-6-2004

ORDER:

The present writ petition is filed questioning the action of the 5th respondent in not passing any order in proceedings No.B/20324/03 dated 5-9-2003 and allowing the respondents 1 to 4 to proceed with the construction activity. The brief facts which lead to filing of the present writ petition are as follows:

The petitioners claim that their father was a protected tenant of land in Survey Nos. 68 to 75 admeasuring Ac.17-37 guntas, situate at Uppal Kalan village. On his demise, the petitioners being legal heirs, had filed a petition for grant of succession and tenancy rights in their favour before the Mandal Revenue Officer under section 40 of the A.P.Tenancy and Agriculture Lands Act 1950 (for short the Act) . Thereafter, the Mandal Revenue Officer passed succession order dated 14-10-1996 in favour of petitioners. The petitioners filed a petition under Section 32 (1) of the Act for restoration of possession and the same was said to have been allowed and subsequently confirmed by the District Collector by orders passed in file No.F2/2882/98 dt 21-2-2000. Against the said orders, Civil Revision petitions were filed before this Court i.e.,C.R.P.Nos.2422 of 2000, 198 of 2001 and 2387 of 2001. By order dated 1-7-2003, this Court disposed of the said revisions. The operative portion of the order dt 1-7-2003 reads as under:

> "In the result, C.R.P.No.198 of 2001 and 2387 of 2000 are allowed and the matter is remanded to the primary Tribunal i.e., the Mandal Revenue Officer to conduct fresh enquiry on the

applications filed by the lineal descents of protected tenant under section 34 (2) of the Act after giving due opportunity to the persons in possession of the lands i.e., petitioners in C.R.P.No.2387 of 2000. There are no merits in C.R.P.No.2422 of 2000 and hence the same is dismissed. No order as to costs."

Pursuant to the above order, the Mandal Revenue Officer initiated proceedings in File No. 20324/2003. It is also stated that the petitioners had filed an application before the Mandal Revenue Officer on 15-11-2003 to restrain the respondents from making further constructions over the lands bearing survey No.68, 89, 70, 71, 72, 73, 74 and 75 situate at Uppal Kalan village. It is alleged that no action was initiated against the respondents 1 to 4 and they are being allowed to proceed with constructions over the subject land. Hence the present writ petition.

Heard learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition with a direction to the Mandal Revenue Officer to dispose of the application filed by the petitioners dated 15-11-2003 expeditiously.

In the circumstances, the writ petition is disposed of directing the Mandal Revenue Officer to dispose of the application filed by the petitioners on 15-11-2003 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of copy of this order, in accordance with law. No costs.

ASSISTANT REGISTRAR

//True copy//

SECTION OFFICER

DATE: 15-6-2004

TVK

To
1. Mandal Revenue Officer, Uppal Mandal, R.R. District.
2. The Commissioner, Uppal Kalan Municipality, Uppal Ranga Reddy

District
3. 2 C.Cs to G.P for Revenue, High Court of A.P., Hyderabad (O.U.T.)
4. 2 C.D. Copies.
5. One spare copy.